

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HERBERT H. KLIEGERMAN, on behalf of
himself and others similarly situated,

Plaintiff,

- against -

APPLE, INC. and AT&T MOBILITY, LLC,

Defendants.

Case No.: 07-cv-08404 (PKC)

ECF Case

**MOTION TO ADMIT COUNSEL
PRO HAC VICE**

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Randall S. Newman, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of:

Applicant's Name: Stephen P. DeNittis
Firm Name: Shabel & DeNittis, P.C.
Address: 5 Greentree Centre
Suite 302
City/State/Zip: Marlton, New Jersey 08053
Phone Number: (856) 797-9951
Fax Number: (856) 797-9978

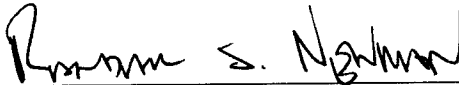
Stephen P. Denittis is a member in good standing of the Bar of the States of New Jersey and Pennsylvania. There are no pending disciplinary proceedings against Stephen P. DeNittis in any State or Federal court. The Defendant's counsel has consented to Stephen P. Denittis' admission *pro hac vice*.

FILED
2007 DEC 11 PM 1:54
S.D. OF N.Y.

Dated: New York, New York
December 10, 2007

Respectfully submitted,

RANDALL S. NEWMAN, P.C.

By: 
Randall S. Newman (RN7862)
Randall S. Newman, P.C.
40 Wall Street, 61st Floor
New York, New York 10005
(212) 797-3737

Attorney for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HERBERT H. KLIEGERMAN, on behalf of
himself and others similarly situated,

Case No.: 07-cv-08404 (PKC)

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ECF Case

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Defendants.

DECLARATION OF RANDALL S. NEWMAN

RANDALL S. NEWMAN, declares, pursuant to the provisions of 28 U.S.C. § 1746:

1. I am an attorney admitted to practice in the State of New York and in this Court, and I am a principal in the law firm of Randall S. Newman, P.C., counsel for the Plaintiff in this action. I respectfully submit this declaration in support of the Plaintiff's motion pursuant to Rule 1.3(c) of the Local Civil Rules of this Court, for an order granting Stephen P. DeNittis admission *pro hac vice* to the bar of this Court on behalf of the Plaintiff.

2. I am a member in good standing of the Bar of this Court.

3. Mr. DeNittis is a member in good standing of the bar of the State of New Jersey and the Commonwealth of Pennsylvania. Mr. DeNittis' Affidavit, dated December 7, 2007, with Certificates of Good Standing for the bar of the State of New Jersey and the Commonwealth of Pennsylvania are attached hereto as Exhibit "A".

4. Mr. DeNittis is a partner with the offices of Shabel & DeNittis, P.C., 5 Greentree Centre, Suite 302, Marlton, New Jersey 08053 (856) 797-9951.

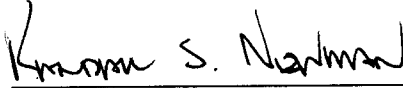
5. An affidavit from Stephen P. DeNittis, Esq., accompanies this motion. Certificates of good standing from the jurisdictions where he is admitted, issued within the last thirty days as required by Local Rule 1.3(c), are also attached.

6. The Defendants' counsel has consented to the admission of Stephen P. DeNittis *pro hac vice*.

7. I respectfully request that given the routine nature of this motion, this Court permit this motion without an accompanying memorandum of law.

WHEREFORE, it is respectfully requested that this Court grant the Plaintiff's motion for an order permitting Stephen P. DeNittis to appear in this action *pro hac vice* on behalf of the Plaintiff.

Dated: New York, New York
December 10, 2007



Randall S. Newman (RN7862)

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

HERBERT H. KLIEGERMAN, on behalf
Of himself and all others similarly situated,

Plaintiff,

-against-

APPLE, INC.,

Defendant.

Case No. 07-cv-8404 (PKC)

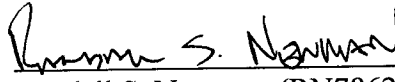
CERTIFICATE OF SERVICE

I hereby certify that copies of the Motion to Admit Counsel Pro Hac Vice were mailed by
first class mail, postage prepaid, on the 11th day of December, 2007 to:

Hano F. Kaiser, Esq.
Latham & Watkins, LLP
885 Third Avenue – Suite 1000
New York, NY 10022

Timothy Fierst, Esq.
Crowell & Moring
153 East 53rd Street, 31st Floor
New York, NY 10022

Dated: December 11, 2007


Randall S. Newman (RN7862)
Randall S. Newman, P.C.
40 Wall Street, 61st Floor
New York, NY 10005

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HERBERT H. KLIEGERMAN, on behalf of
himself and others similarly situated,

Case No.: 07-cv-08404 (PKC)

Plaintiff,

ECF Case

- against -

APPLE, INC. and AT&T MOBILITY, LLC,

Defendants.

AFFIDAVIT OF STEPHEN P. DENITTIS

STATE OF NEW JERSEY :
: ss:
COUNTY OF BURLINGTON :

Stephen P. DeNittis, having been duly sworn under oath, according to law, deposes and says
as follows:

1. I am an attorney at law in the State of New Jersey and the Commonwealth of
Pennsylvania and I am a partner in the law firm of Shabel & DeNittis, P.C.

2. I submit this affidavit in support of a motion to be admitted *pro hac vice* for the
purposes of participating as counsel in the above-captioned case.

3. I have not established a domicile in the State of New York.

4. I have not established a place for the regular practice of law in the State of New York,
nor the United States District Court for the Southern District of New York, nor do I hold myself out
to the public as practicing New York law;

5. I have been licensed to practice and in active practice in the New Jersey Bar and Pennsylvania Bar since 1997, copies of certificates of good standing for the State of New Jersey and the Commonwealth of Pennsylvania are attached hereto;

6. I am a member in good standing in the federal Bars of the United States District Court for the District of New Jersey since 1997.

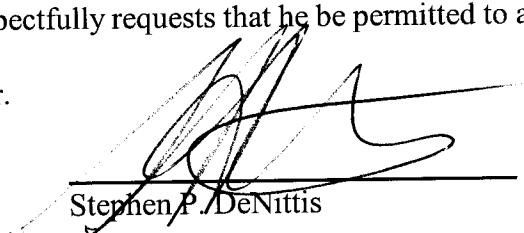
7. I have never been publicly disciplined, suspended nor disbarred by any court.

8. For the purposes of this lawsuit, I am associated with the law firm of Randall S. Newman, P.C., 40 Wall Street, 61st Floor, New York, New York, 10005 who will be associated with our office for all purposes during the pendency of the within case.

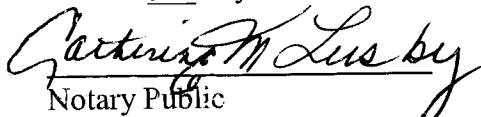
9. I have spoken to defendant Apple Inc.'s counsel, Hanno Kaiser, Esq. and Defendant AT&T Mobility LLC's counsel, Daniel Sasse, Esq. on behalf of myself and Norman Shabel, esq. and both consent to this *pro hac vice* application.

10. I am aware that the facts contained in this Affidavit will be relied upon by this Court and I am further aware that if any of the facts contained herein are willfully false that I am subject to both Civil and Criminal punishment.

WHEREFORE, your affiant respectfully requests that he be permitted to appear as counsel and advocate *pro hac vice* in this matter.


Stephen P. DeNittis

Sworn to and subscribed before
me this 6th day of December, 2007


Notary Public

CATHERINE M. LUSBY
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 7-10-12

Supreme Court of New Jersey

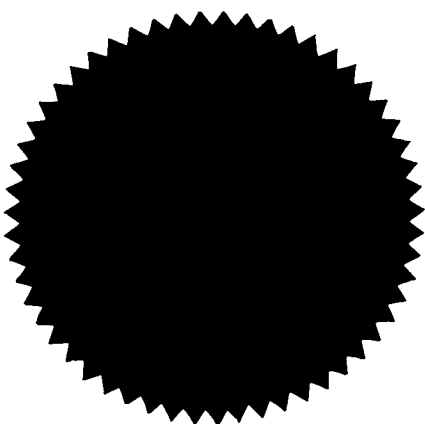


Certificate of Good Standing

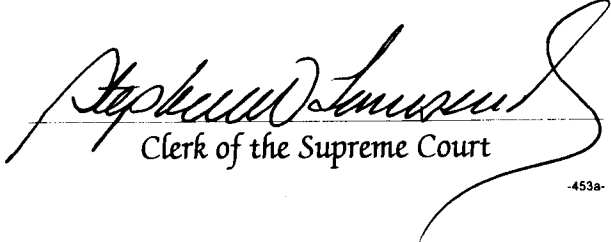
This is to certify that **STEPHEN P DE NITTIS**
(No. **031981997**) was constituted and appointed an Attorney at Law of New
Jersey on **December 15, 1997** and, as such,
has been admitted to practice before the Supreme Court and all other courts of this State
as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in
Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing"
if the Court's records reflect that the attorney: 1) is current with all assessments
imposed as a part of the filing of the annual Attorney Registration Statement, including,
but not limited to, all obligations to the New Jersey Lawyers' Fund for Client
Protection; 2) is not suspended or disbarred from the practice of law; 3) has not
resigned from the Bar of this State; and 4) has not been transferred to Disability
Inactive status pursuant to Rule 1:20-12.

*Please note that this Certificate does not constitute confirmation of an attorney's
satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to
practice law in this State.*



In testimony whereof, I have
hereunto set my hand and
affixed the Seal of the
Supreme Court, at Trenton, this
27TH day of November , 20 07


Clerk of the Supreme Court



Supreme Court of Pennsylvania

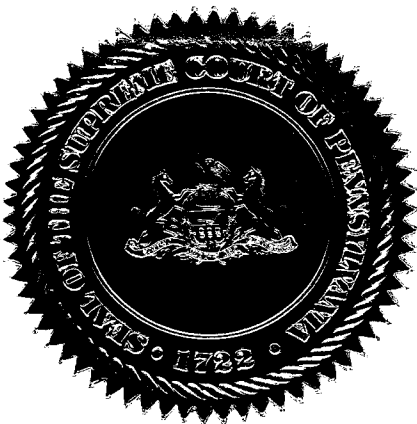
CERTIFICATE OF GOOD STANDING

Stephen P. DeNittis, Esq.

DATE OF ADMISSION

November 5, 1997

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



Witness my hand and official seal

Dated: November 26, 2007

A handwritten signature in black ink, reading "Patricia A. Johnson".

Patricia A. Johnson
Chief Clerk

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

HERBERT H. KLIEGERMAN, on behalf
Of himself and all others similarly situated,

Plaintiff,

-against-

APPLE, INC.,

Defendant.

Case No. 07-cv-8404 (PKC)

ORDER GRANTING MOTION TO
ADMIT COUNSEL PRO HAC VICE

This matter having been brought before the Court by motion to admit Stephen P. DeNittis *pro hac vice* to appear and participate as counsel for the Plaintiff in the above-captioned action, and the affidavit of such attorney having been submitted in support thereof, and it appearing that such attorney is a member in good standing of the bars of the states in which he is admitted to practice law, and there are no disciplinary proceedings against him as a member of the bar in any jurisdiction; it is

ORDERED that, pursuant to Local Civil Rule 1.3(c) of this Court, Stephen P. DeNittis of the New Jersey and Pennsylvania bar is admitted *pro hac vice*, subject to the payment of the fee to the Clerk of Court.

Dated: December __, 2007

Honorable P. Kevin Castel
United States District Judge